

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE:** B-216079

**DATE:** January 18, 1985

**MATTER OF:** Turbine Components Corporation

**DIGEST:**

GAO will not review contention that a solicitation should be restrictively drawn so as to place the protester in a sole-source position since the purpose of GAO bid protest procedures is to insure that free and open competition is obtained to the maximum practicable extent.

Turbine Components Corporation (TCC) protests the award of a contract to any other firm under request for proposals (RFP) No. N00383-83-R-2971, issued by the Navy Aviation Supply Office, Philadelphia, Pennsylvania, for the repair and modification of 3800 turbine vanes for aircraft engines. TCC contends that it is the only firm which has satisfactorily demonstrated the feasibility of performing the contract work requirements. The protest is dismissed.

The RFP, among other things, requires the contractor to modify the turbine vanes to a new air-cooled configuration, a procedure which requires technical procedures and manufacturing details not currently available from the original manufacturer or the government. Further, because the turbine vanes are manufactured from base alloy material, repair procedures and techniques also have to be developed to perform the work. Apparently because of anticipated future requirements for this type of work, TCC invested substantial resources to develop the necessary tooling and expertise to perform the work. Subsequently, in January 1983, a government team visited the protester's facility and witnessed the protester's demonstration of the technical feasibility of performing the work. Nevertheless, the Navy thereafter issued a competitive solicitation for the work.

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TCC believes that it should be awarded the contract because: (1) it has the vanes at its facility; (2) it alone has demonstrated its capability to perform the work; (3) it has the necessary tooling and other expertise; and (4) it can complete delivery in 90 days. The agency states that its technical officials determined that a first article testing requirement was a sufficient safeguard to insure satisfactory performance by any offeror. The Navy does not consider it necessary to impose any sort of prequalification testing requirements prior to award.

TCC's contentions are not reviewable by our Office. The sole premise of TCC's assertions is that the government's interest as user is not adequately protected by purchasing the services from any source other than TCC whose capabilities have not been sufficiently demonstrated. Presumably, TCC would benefit if it were able to convince the Navy of its position because it then would be the only qualified source. However, TCC's asserted economic interest is not a protectable one under our bid protest function, the purpose of which is to insure that free and open competition to the maximum practicable extent is obtained. Miltope Corporation--Reconsideration, B-188342, June 9, 1977, 77-1 CPD ¶ 417, aff'd on reconsideration (second), July 1, 1977, 77-2 CPD ¶ 3. In other words TCC's allegations are not a matter of legal concern because the effect of including other firms in the procurement is consistent with the statutory requirements to broaden competition. Joseph Pollak Corporation, B-209899, Dec. 23, 1982, 82-2 CPD ¶ 573.

To the extent TCC's protest questions the fitness of other potential suppliers, we note that by awarding any contract, the contracting officer necessarily finds a firm to be a responsible, prospective contractor. See Warfield & Sanford, Inc., B-206929, April 20, 1982, 82-1 CPD ¶ 365. We do not review an agency's affirmative determination of responsibility of a prospective contractor unless there is a showing of possible fraud or bad faith on the part of the procuring officials or that the solicitation contains definitive responsibility criteria which the procuring officials failed to apply. Domar Industries, Co., Inc., B-202735, Sept. 4, 1981, 81-2 CPD ¶ 199. Neither exception is applicable here.

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The protest is dismissed.

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